

## **REMARKS**

Claims 1-24 are pending in the present application. The Examiner has rejected claims 1-2, 7-8, 10-12, 17-18, and 20-23 under 35 U.S.C. §102, and has rejected claims 3-6, 9, 13-16, 19, and 24 under 35 U.S.C. §103(a). Applicant has amended claims 1, 4-5, 7-8, 11, 14-15, 17-18, and 21, and canceled claims 2-3, 6, 12-13, 16, and 24. Applicant has added new claims 25-28 to better define the invention. No new matter has been introduced.

### **Claim Rejections - 35 U.S.C. §102**

Claims 1-2, 7-8, 10-12, 17-18, and 20-23 were rejected 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,081,780 (Lumelsky).

Applicant has amended claim 1 and 11 to, in part, incorporate subject matter from claim 3 and 13, respectively, and has amended claim 21 to incorporate subject matter of claim 24. Applicant has canceled claims 3, 13, and 24. Applicant will discuss the rejection of amended claims 1, 11, and 21 in connection with the section 103 rejections, below.

### **Section 103 Rejections**

Claims 3-6, 9, 13-16, 19, and 24 were rejected under 35 U.S.C. §103(a) as being obvious over Lumelsky in view of Applicant's Admitted Prior Art (AAPA).

Applicants respectfully traverse the rejections.

The Examiner has conceded that Lumelsky does not teach an alignment process for aligning the spoken utterance with a corresponding text string, but then asserts that aligning a spoken utterance with a text string is well known in the art, citing Applicant's disclosure of the Viterbi algorithm. However, Applicant urges that the AAPA disclosed in Applicant's description, either separately or in combination with Lumelsky, neither discloses nor suggests the particular combination of steps recited in claims 1 and 11, including *extracting acoustic feature data from said audio signal; aligning the text string and the acoustic feature data and outputting a set of duration contours indicative of the duration of each word and*

*phoneme; extracting pitch contour parameters from said audio spoken input; and automatically generating a marked-up text corresponding to the spoken utterance using the pitch contour and duration parameters;* as essentially recited in claims 1 and 11. Since the combination of Lumelsky and the AAPA does not teach or suggest all elements of claims 1 and 11, Applicant urges that these claims are not *prima facie* obvious over claims 1 and 11. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 7-8, 10, 17-18, and 20 depend from claims 1 and 11, respectively, and are thus patentable for at least the same reasons as claims 1 and 11. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 4-5, 9, 14-16, and 19 depend from claims 1 and 11, respectively. Each of these obviousness rejections are legally deficient in view of the deficiencies of Lumelsky and the AAPA as applied to respective base claims 1 and 11. Claims 4-5, 9, 14-16, and 19 are thus patentable for at least the same reasons as claim 1 and 11, respectively. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 2-3, 6, 12-23, and 16 have been canceled, and Applicant thus urges that their rejections are now moot.

Applicant has incorporated the subject matter of claim 24 into independent claim 21, and has canceled claim 24. The Examiner concedes that Lumelsky does not teach an alignment process for aligning the spoken utterance with the corresponding text string. However, the prosody analyzer recited in claim 21 comprises *an acoustic feature extraction module that extracts acoustic feature data from said spoken utterance; an alignment module for aligning the input text string with the spoken utterance using said acoustic feature data to generate duration contour information of elements comprising the input text string; a pitch contour extraction module for determining pitch contour information for the spoken utterance; and a conversion module for including markup in the input text string in accordance with the duration and pitch contour information to generate the marked up text,* and although Lumelsky discloses a prosody analyzer, Lumelsky does not disclose any

structural detail of its prosody analyzer, much less the structure recited in amended claim 21, nor is this structure suggested by the AAPA. Thus, Applicant urges that Lumelsky in view of AAPA does not teach or suggest a prosody analyzer such as that recited in Applicant's claim 21, and only a hindsight reading of Lumelsky and the AAPA that improperly incorporates Applicant's teachings would enable the Examiner to do so. Therefore, Applicant urges that claim 21 is not *prima facie* obvious over Lumelsky and AAPA. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 22-23 depend from claim 21, and are thus patentable for at least the same reasons as claim 21. Reconsideration and withdrawal of these rejections are respectfully requested.

**CONCLUSION**

Applicant urges that claims 1, 4-5, 7-11, 14-15, 17-23, and 25-28 are in condition for allowance for at least the reasons stated. Early and favorable action on this case is respectfully requested.

Respectfully submitted,

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